

**THIRTY-NINTH LEGISLATIVE DAY  
THURSDAY, FEBRUARY 16, 2006**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Megan Lake, Page.

**Approval of Journal**

February 16, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-eighth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

February 15, 2006

Mr. Speaker:

I return herewith enrolled **H 405** and **H 406** which have been signed by the President.

WOOD, Secretary

Enrolled **H 405** and **H 406** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 15, 2006

Mr. Speaker:

I return herewith **HJR 2** which has passed the Senate.

WOOD, Secretary

**HJR 2** was referred to the Judiciary, Rules, and Administration Committee for enrolling.

**Report of Standing Committees**

February 16, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 689**, **H 690**, and **H 691**.

FIELD(18), Chairman

**H 689** was referred to the Environment, Energy, and Technology Committee.

**H 690** and **H 691** were referred to the Education Committee.

February 14, 2006

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration **S 1255** and recommend that it do pass.

RAYBOULD, Chairman

**S 1255** was filed for second reading.

February 15, 2006

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 570**, **H 571**, **H 591**, and **H 592** and recommend that they do pass.

DEAL, Chairman

**H 570**, **H 571**, **H 591**, and **H 592** were filed for second reading.

February 15, 2006

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 548**, **H 549**, **H 550**, and **H 554** and recommend that they do pass.

COLLINS, Vice Chairman

**H 548**, **H 549**, **H 550**, and **H 554** were filed for second reading.

February 15, 2006

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 524**, **H 525**, **H 526**, **H 527**, **H 528**, **H 529**, and **H 639** and recommend that they do pass.

STEVENSON, Chairman

**H 524**, **H 525**, **H 526**, **H 527**, **H 528**, **H 529**, and **H 639** were filed for second reading.

February 15, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 582**, **H 430**, **H 431**, **H 581**, and **H 432** and recommend that they do pass.

FIELD(18), Chairman

**H 582**, **H 430**, **H 431**, **H 581**, and **H 432** were filed for second reading.

February 15, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 589** and report it back with amendments attached to be placed on General Orders for consideration.

FIELD(18), Chairman

**H 589** was placed on General Orders for consideration.

February 15, 2006

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration **H 647** and recommend that it do pass.

SCHAEFER, Chairman

**H 647** was filed for second reading.

There being no objection, the House advanced to the Twelfth Order of Business.

### Consideration of General Orders

Mr. Denney moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Ms. Jaquet. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Moyle in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

### Report of the Committee of the Whole House

February 16, 2006

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **H 480**, **H 444**, and **H 589** and report them back without recommendation, amended as follows:

### HOUSE AMENDMENTS TO H 480

#### AMENDMENTS TO SECTION 1

On page 2 of the printed bill, delete lines 3 through 5 and insert: "submitting a petition that has been signed by residents of the district to the governing board of the district equal to or exceeding ten percent (10%) of the number of voters voting at the last election of the taxing district. The petition shall be in substantially the following form:"; delete lines 44 through 46 and insert:

"(b) Budget limitation elections may be initiated either by the number of residents of the district equal to or exceeding ten percent (10%) of the number of voters voting at the last election of the taxing district or the district's governing board. No more than one (1) budget limitation election may be held in any one (1) year."; and delete line 47 and insert:

"(7) If sixty-six and two-thirds percent (66 2/3%) or more of the persons voting at the budget limitation election".

#### AMENDMENT TO SECTION 2

On page 3, delete lines 25 and 26 and insert:

"(d) In the case of school districts, the restriction imposed in section 33-802, Idaho Code, in the case of counties for indigent assistance, the restriction imposed in section 31-863, Idaho Code; or".

#### CORRECTIONS TO TITLE

On page 1, in line 6 following "YEAR" insert: "WITH EXCEPTIONS"; and delete line 7, and insert: "IDAHO CODE, TO PROVIDE A RESTRICTION IMPOSED BY A STATUTE FOR INDIGENT ASSISTANCE,".

### HOUSE AMENDMENT TO H 444

#### AMENDMENT TO SECTION 2

On page 3 of the printed bill, in line 19, delete "2006" and insert: "2005".

### HOUSE AMENDMENT TO H 589

#### AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 28, delete "(a)(5)" and insert: "(a)(4)".

MOYLE, Chairman

Mr. Moyle moved that the report be adopted. Seconded by Mr. Denney.

Whereupon the Speaker declared the report adopted.

**H 480**, as amended, **H 444**, as amended, and **H 589**, as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Seventh Order of Business.

### Motions, Memorials, and Resolutions

#### HOUSE JOINT MEMORIAL NO. 16 BY STATE AFFAIRS COMMITTEE

##### A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the state of Idaho is home to a large number of species considered to be threatened or endangered and many citizens of Idaho are directly affected by actions taken under the

provisions of the Endangered Species Act; and

WHEREAS, the citizens of Idaho are performing many voluntary measures to help in the conservation and recovery of species which are or may become listed as threatened or endangered; and

WHEREAS, the Endangered Species Act as structured has not created meaningful incentives to engage private landowners in conservation and has failed to achieve its ultimate aim in the recovery of endangered species; and

WHEREAS, United States Senator Mike Crapo has introduced Senate Bill 2110, Collaboration for the Recovery of Endangered Species Act (CRESA); and

WHEREAS, CRESA will focus on species recovery, prioritize recovery efforts, expand the role of states for managing listed species, and compensate landowners for their efforts in species protection.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we support the efforts of Senator Mike Crapo to reform and improve the Endangered Species Act through the enactment of CRESA, and promote species conservation and preservation within the state of Idaho and the United States of America.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

**HJM 16** was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 692**

**BY REVENUE AND TAXATION COMMITTEE**

**AN ACT**

RELATING TO MOTOR FUEL TAXES AND FEES; AMENDING SECTION 63-2407, IDAHO CODE, TO PROVIDE THAT ON AND AFTER ADOPTION OF A RENEWABLE FUEL STANDARD BY STATUTE AND IMPLEMENTATION OF THAT STANDARD, THE DEDUCTION FROM THE FUELS TAX SHALL APPLY TO THOSE FUELS NOT SPECIFICALLY INCLUDED IN THE RENEWABLE FUEL STANDARD; AND AMENDING SECTION 41-4903, IDAHO CODE, TO FURTHER DEFINE "PETROLEUM" OR "PETROLEUM PRODUCTS."

**HOUSE BILL NO. 693**

**BY REVENUE AND TAXATION COMMITTEE**

**AN ACT**

RELATING TO THE TAX ON TOBACCO PRODUCTS; AMENDING SECTION 63-2552, IDAHO CODE, TO PROVIDE THAT THE TAX ON CIGARS SHALL NOT EXCEED FIFTY CENTS PER CIGAR, TO REMOVE

ARCHAIC LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 63-2552A, IDAHO CODE, TO PROVIDE THAT THE TAX ON CIGARS SHALL NOT EXCEED FIFTY CENTS PER CIGAR AND TO REMOVE ARCHAIC LANGUAGE.

**HOUSE BILL NO. 694**

**BY STATE AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO PUBLIC UTILITY PROPERTY NOT PROVIDING UTILITY SERVICE; AMENDING SECTION 61-502A, IDAHO CODE, TO PROVIDE THAT, EXCEPT UPON ITS FINDING THAT THE PUBLIC INTEREST WILL BE SERVED THEREBY, THE PUBLIC UTILITIES COMMISSION IS PROHIBITED IN ANY ORDER FROM SETTING RATES FOR ANY UTILITY THAT GRANTS A RETURN ON CONSTRUCTION WORK IN PROGRESS OR ON PROPERTY HELD FOR FUTURE USE AND WHICH IS NOT CURRENTLY USED AND USEFUL IN PROVIDING UTILITY SERVICE, TO DELETE REFERENCE TO SHORT-TERM CONSTRUCTION WORK IN PROGRESS AND TO PROVIDE IF THE COMMISSION SETS RATES FOR ANY UTILITY INCLUDING A RETURN ON PROPERTY HELD FOR FUTURE USE AND SUBSEQUENTLY DETERMINES THAT SUCH PROPERTY IS NOT NEEDED TO PROVIDE UTILITY SERVICE, THEN THE COMMISSION SHALL DETERMINE WHETHER ANY GAIN OR LOSS OCCURRING FROM THE SALE OR OTHER DISPOSITION OF THE PROPERTY MAY BE INCLUDED IN THE UTILITY'S RATES.

**HOUSE BILL NO. 695**

**BY STATE AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO THE EMERGENCY COMMUNICATIONS FEE; AMENDING SECTION 31-4804, IDAHO CODE, TO PROVIDE THAT THE FEE MAY BE USED FOR THE MANAGEMENT, MAINTENANCE AND OPERATION OF HARDWARE AND SOFTWARE APPLICATIONS AND TO REFERENCE DISPATCHING FOR PURPOSES OF GENERAL FUNDING PAYMENTS.

**HOUSE BILL NO. 696**

**BY STATE AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO DEVELOPMENT OF ENERGY SYSTEMS BY COUNTIES; AMENDING SECTION 31-869, IDAHO CODE, TO AUTHORIZE COUNTIES TO ESTABLISH, CREATE, DEVELOP, ACQUIRE, OWN, MAINTAIN AND OPERATE OR CONTRACT FOR THE OWNERSHIP, OPERATION AND MAINTENANCE OF CERTAIN ELECTRICAL GENERATION PLANTS NOT TO EXCEED TWENTY-FIVE MEGAWATTS IN CAPACITY WHICH USE AS A FUEL SOURCE LANDFILL GAS, WOOD WASTE OR OTHER BIOMASS FUELS, TO PROVIDE THAT ALL THE ELECTRICITY PRODUCED FROM THE ELECTRICAL GENERATION FACILITY SHALL BE SOLD BY THE COUNTY AT WHOLESALE AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 697**  
**BY REVENUE AND TAXATION COMMITTEE**  
 AN ACT

RELATING TO THE TAXATION OF CERTAIN TOBACCO PRODUCTS; AMENDING SECTION 63-2551, IDAHO CODE, TO DEFINE "MOIST SNUFF" AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-2552, IDAHO CODE, TO PROVIDE THE RATE OF TAXATION FOR TOBACCO PRODUCTS OTHER THAN MOIST SNUFF, TO PROVIDE FOR DISTRIBUTION OF REVENUES AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 63-2552A, IDAHO CODE, RELATING TO AN ADDITIONAL TAX IMPOSED ON TOBACCO PRODUCTS AND REPEALING SECTION 63-2564, IDAHO CODE, RELATING TO DISTRIBUTION OF TAX REVENUES FROM THE TOBACCO PRODUCTS TAX; AMENDING CHAPTER 25, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-2552A, IDAHO CODE, TO PROVIDE THAT MOIST SNUFF SHALL BE TAXED AT THE RATE OF ONE DOLLAR PER OUNCE OF MOIST SNUFF AND TO PROVIDE FOR DISTRIBUTION OF TAX REVENUES ON MOIST SNUFF.

**HOUSE BILL NO. 698**  
**BY EDUCATION COMMITTEE**  
 AN ACT

RELATING TO SCHOLARSHIPS; AMENDING CHAPTER 43, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-4316, IDAHO CODE, TO PROVIDE ELIGIBILITY CRITERIA FOR SCHOLARSHIPS FOR DRUG, ALCOHOL AND TOBACCO FREE STUDENTS, TO PROVIDE THAT DRUG, ALCOHOL AND TOBACCO FREE STUDENTS SHALL REMAIN DRUG, ALCOHOL AND TOBACCO FREE, TO PROVIDE PROCEDURES, TO PROVIDE THE AMOUNT AND LENGTH OF THE AWARD FOR DRUG, ALCOHOL AND TOBACCO FREE STUDENTS, TO PROVIDE FOR REPORTS, TO PROVIDE FOR RULES AND TO DEFINE TERMS.

**H 692, H 693, H 694, H 695, H 696, H 697, and H 698** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

**H 559**, by Local Government Committee, was read the second time by title and filed for third reading.

**HCR 39, H 561, H 603, H 604, and H 560**, by Transportation and Defense Committee, were read the second time by title and filed for third reading.

**H 491, H 411, H 465, H 514, and H 466**, by Agricultural Affairs Committee, were read the second time by title and filed

for third reading.

**HCR 31**, by Health and Welfare Committee, was read the second time by title and filed for third reading.

**H 678, H 497, H 680, H 483, H 484, and H 679**, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

**H 535** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Mitchell to open debate.

The question being, "Shall **H 535** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart(Jacobson), Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydallch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Crow. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 535** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 536** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Boe to open debate.

The question being, "Shall **H 536** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart(Jacobson), Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydallch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

11:56 a.m.

Absent and excused -- Crow. Total -- 1.

BRUCE NEWCOMB, Speaker

Total -- 70.

ATTEST:

Whereupon the Speaker declared **H 536** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

PAMM JUKER, Chief Clerk

Mr. Denney asked unanimous consent that **H 534**, as amended, be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

**H 534**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(18) to open debate.

The question being, "Shall **H 534**, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart(Jacobson), Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Bell. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 534**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that **H 677**, **H 676**, and **H 508** be placed immediately following **H 421** on the Third Reading Calendar. There being no objection, it was so ordered.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

### Adjournment

Mr. Moyle moved that the House adjourn until 10 a.m., Friday, February 17, 2006. Seconded by Mr. Sayler. Motion carried.

Whereupon the Speaker declared the House adjourned at